

Downtown Code Amendments Supporting Waterfront Planning

April 18, 2013

I. INTRODUCTION

The Department of Planning and Development (DPD) is proposing to amend the following sections of the City's Land Use Code (SMC, Title 23) to encourage development that will complement the anticipated conditions and public facilities along the central waterfront. These facilities include a reconstructed Elliott Bay Seawall and a newly designed Alaskan Way surface street with a waterfront promenade and other complementary improvements in the area.

Chapter 23.41 EARLY PROJECT IMPLEMENTATION

23.41.012 Development standard departures

Chapter 23.49 DOWNTOWN ZONING

Downtown Zoning Maps

23.49.008 Structure height

23.49.009 Street-level use requirements

23.49.011 Floor area ratio (FAR)

23.49.014 Transfer of development rights (TDR)

23.49.015 Bonus residential floor area in DOC1, DOC2 and DMC zones outside South Downtown for voluntary agreements for low-income housing and moderate-income housing

23.49.019 Parking quantity, location and access requirements and screening and landscaping of surface parking areas

23.49.046 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial conditional uses and Council decisions

23.49.056 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial street façade, landscaping, and street setback requirements

23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards

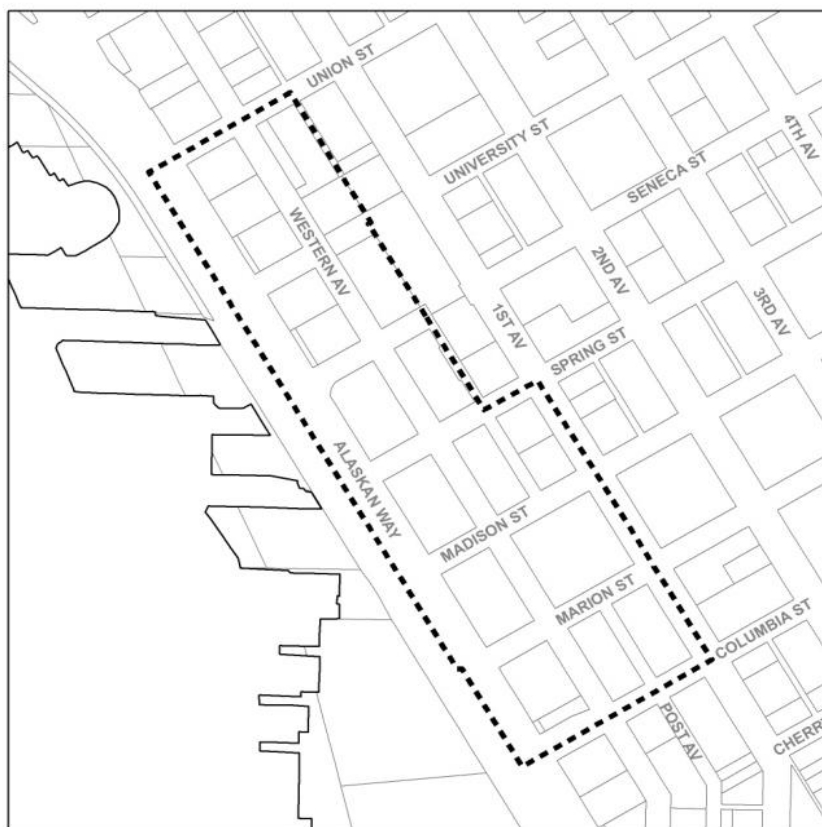
Chapter 23.66 SPECIAL REVIEW DISTRICTS

23.66.170 Parking and access and Map D (codified at the end of Chapter 23.66)

The detailed changes proposed by this ordinance are ways of refining the City's current regulatory approach to accomplishing these goals for the central waterfront. Although the ordinance is being proposed before any significant development, this is timely because it recognizes that new development opportunities will arise in tandem with the transformation of the waterfront area by new public facilities. By fine-tuning these development standards now, City regulators will be ready to shape those developments when the opportunities arise. The Land Use Code can thus assist in making the urban design vision for the waterfront a reality.

The chart below summarizes the proposed amendments to the Land Use Code. These changes apply primarily, although not exclusively, to the area zoned DMC 160 adjacent to the waterfront. This is the only area in the city zoned DMC 160.

It may help the reader to begin with some background information about the DMC 160 zone. The DMC 160 zone is bounded by Alaskan Way to the west, Columbia Street to the south, Union Street to the north, and Post Alley/ 1st Avenue to the east.



DMC 160 Zone

Like all downtown zones, there are many specific development standards that apply to lots and structures in DMC 160. These standards include: structure height, street level use requirements, floor area ratio, transferable development rights, open space, parking location and screening,

minimum sidewalk and alley width, view corridors standards, lighting and glare, permitted and prohibited uses, minimum facade heights; setback limits; facade transparency; blank facade limits; and street trees.

This ordinance proposes changes to a number of these standards. The changes, like the standards, can be very detailed. It is thus important to keep in mind that the overall intent of the detailed changes to DMC 160 standards will help accomplish the City's goals for that specific zone.

An overview of the standards and what they are intended to do is provided in the City's Comprehensive Plan. (The Plan identifies goals for each zone, including the numerous downtown zones. A more expansive discussion of these is included as Attachment A to this document.) DMC 160 is envisioned to have a vital mixture of uses, with an emphasis on housing and other uses that generate activity. New development and capital projects should be guided by an urban design vision that integrates new public facilities, waterfront connections, pedestrian environments, transit linkages and open space. Streets and public spaces should contribute to a high-quality pedestrian environment.

In addition to amending DMC 160 standards, this ordinance proposes other changes to clarify existing Code provisions, some of which affect all downtown zones. One proposal applies only to the Pike Pine Overlay but closely corresponds to a proposed change that only applies to downtown zones. The following table cross-references the ordinance section, the Code section it modifies, and describes the proposed change. After this summary table, the Report provides more in-depth analysis of each change.

Attachment A:

Ordinance and Code Sections	Description of the proposed change
Chapter 23.41 EARLY PROJECT IMPLEMENTATION	
Ord. Sec. 1 Code Sec. 23.41.012.D	<p>Under the current Code, projects that participate in the Living Building or Deep Green pilot programs can request a departure from various Land Use Code requirements through the design review program. DPD's proposal would remove four different types of departures from the list of allowed departures. The effect of this change would be that applicants can not modify these standards through design review.</p> <p>The four departures that would no longer be allowed are:</p> <ol style="list-style-type: none"> 1) downtown view corridor requirements, such as upper-level setbacks. 2) FAR limits on either (a) lots within Downtown zones, if those lots are regulated by floor area incentive provisions or (b) lots zoned NC3P within the Pike/Pine Conservation Overlay District 3) Structure height on lots within the Pike/Pine Conservation Overlay District, and 4) location and access to parking in downtown zones.
Chapter 23.49 DOWNTOWN ZONING	
Ord. Sec. 2 Code Sec. 23.49.008 Structure height	<p>This change would allow an additional 5 feet of height above the current 160 foot height limit in the DMC 160 zone if a minimum floor-to-floor height of 18 feet is provided for street-level uses.</p>
Ord. Sec. 3 Code Sec. 23.49.009 Street-level use req'ts	<p>This change would eliminate certain uses that qualify as street-level use requirements, including animal shelters, kennels, and sales and/service for automobiles or marinas. Other uses, such as arts and religious facilities, colleges, and building lobbies would now qualify as street-level uses. Building lobbies would be added as a qualifying use to address constraints on small lots with street-level uses required on multiple frontages.</p>

	<p>In addition, this section is amended so that the frontage required to be occupied by street-level uses is reduced to 50 percent, while the remaining 50 percent may contain other permitted uses and/or pedestrian or vehicular entrances. This greater flexibility would only apply if the street frontage is 120 feet in length or less. In addition, one of the following conditions has to be present: either the lot has no alley access, or the lot abuts more than one street requiring street-level uses.</p> <p>For required street level uses in DMC 160, an amendment is proposed that is a cross-reference to an amendment proposed for 23.49.056. This is essentially to ensure consistency in Code interpretation between the two sections. If a project takes the option for a greater setback of the street façade from the lot line that the amendment to 23.49.056 allows – up to 16 feet – then the setback allowed for required street level uses can be more than the typical 10 feet, e.g., the setback of those uses can match the choice of setback distance allowed by 23.49.056.</p>
<p>Ord. Sec. 4 Code Sec 23.49.011, FAR</p>	<p>In the DMC 160 zone, 23.49.011.A would specify new maximum FAR limit for different uses. The existing base (or minimum) of 5 FAR for non-residential uses would be retained. The maximum FAR (that is, the amount that could be gained through incentives) for all non-residential uses, except hotels, would be decreased from 7 to 5. The effect of this change is that only hotels could gain FAR above the base FAR. The maximum FAR that hotels could gain would be increased from 7 to 8.</p> <p>Another FAR-related change in DMC 160 is amending 23.49.011.B to include additional exemptions from the calculation of FAR. The new exemptions are:</p> <ol style="list-style-type: none"> 1) floor area within a partially above-grade story on lots abutting Alaskan Way, 2) parking accessory to hotel use meeting certain standards, and 3) hotel-related floor area that blocks the sight of parking from the street. This FAR exemption only applies to hotel floor area on stories above ground level.

	<p>A separate proposal in the same Code section would apply throughout downtown. This proposal would exempt from FAR calculations the floor area of a City of Seattle facility, except office uses within that floor area, up to a maximum of 50,000 square feet.</p> <p>Another proposal that applies throughout downtown is to amend 23.49.011 (C) so that rooftop mechanical equipment is not included in FAR calculations.</p>
<p>Ord. Sec 5</p> <p>Code Sec. 23.49.014 TDR</p>	<p>An amendment applying specifically to the DMC 160 zone would prohibit the within-block TDR. The required conditions for this kind of transfer do not exist for any lot zoned DMC 160.</p>
<p>Ord. Sec. 6</p> <p>Code Sec. 23.49.015</p> <p>Bonus residential floor area in DOC1, DOC2 and all DMC zones</p>	<p>This amendment to 23.49.015 only corrects citations to other sections amended by this ordinance. It has no additional substantive effect.</p>
<p>Ord. Sec. 7</p> <p>Code Sec. 23.49.019</p> <p>Parking quantity, curb cut location and access requirements, and screening and landscaping of parking areas</p>	<p>This amendment only applies to the DMC 160 zone. Section 23.49.019.B.2 regulates the location and screening of parking. Generally, parking should either be provided below-grade, or above the street-level if it is separated from the view of pedestrians by other uses to address impacts on the street environment. Current Code allows for some flexibility in the standards for smaller lots. However, even for these smaller lots, there are limits on the number of stories of parking that can be provided above-grade. The Director of DPD has discretion under the current Code to modify these requirements, but only if the lot on which the development is proposed is either 30,000 square feet <u>or</u> less in area <u>OR</u> less than 150 feet in depth.</p> <p>This amendment responds to the unique conditions along Alaskan Way, where there are key blocks for redevelopment zoned DMC 160 that are exactly 150 feet in depth <u>and</u> greater than 30,000 square feet in area. The Director has no discretion to modify the separation standards for lots with these dimensions. Additional Director discretion would help in encouraging appropriate development and recognizing the unique conditions of these key lots. Because of the area's high water table conditions,</p>

	<p>parking for development on these lots will likely need to be above grade. Thus DPD is proposing a change to the dimensional requirements to include blocks that are <u>exactly</u> 150 feet in depth (or less), not only blocks that are <u>less</u> than 150 feet in depth.</p> <p>The proposal makes changes to several other standards in this section. These changes would only apply to certain lots within the DMC 160 zone. In the rest of downtown, the use that “separates” parking from the street has to occupy at least 30 percent of the street frontage for stories above the third story. In the DMC 160 zone, for lots that abut Alaskan Way, the “separating” uses would be required under the proposal for the entire length of the façade facing Alaskan Way. In addition, these separating uses are defined more specifically. The uses on these lots must be residential, lodging, office, retail sales, entertainment, or a restaurant or bar.</p> <p>For other street frontages in the DMC 160 zone (not facing Alaskan Way, that is), the proposal maintains the existing minimum requirement that 30 percent of each street frontage be occupied by a “separating” use. However, instead of only applying above the third story, the separation would be required for <u>all</u> stories above the first story. In addition, for the shallow blocks along Western Avenue, the Code would allow more flexibility by reducing the number of street frontages requiring separating uses.</p> <p>A further amendment in this section, applicable only to DMC 160 lots, is the nature of the screening that is provided -- where separation by another use is <u>not</u> required. In the rest of downtown, the required screening can be an opaque wall at least 3.5 feet high. In the DMC 160 zone, screening would need to be provided by the façade of the building. This more extensive screening would better integrate the parking levels into the design of the structure, blocking the glare of automobile lights that could affect the pedestrian’s view of the building.</p>
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	<p>Finally, additional considerations are proposed to guide Director decisions for locating curb cuts that allow vehicular access to a lot. Generally, in downtown zones, the Directors of DPD and SDOT can allow curb cuts based on a hierarchy of streets with curb-cuts generally discouraged for streets with an intense pedestrian character. the . Current Code also allows the Directors of DPD and SDOT to grant a curb cut that would not follow this hierarchy if factors such as safety and traffic queuing are of sufficient weight. The proposal would add to that list of factors whether the location of the curb cut would improve the safety of hotel guests loading or would increase the visibility of vehicular access for hotel guests.</p>
<p>Ord. Sec. 8 Code Sec. 23.49.046 DOC 1, DOC 2, and DMC conditional uses</p>	<p>Principal use parking garages are only allowed as “administrative conditional uses” in downtown – since these uses can sometimes deaden an otherwise lively street. The Director of DPD has the discretion to conditionally grant these uses based on factors such as pedestrian circulation and transit access. For developments in DMC 160, a new factor is added for the Director’s discretionary consideration: whether the visual impacts of parking are adequately addressed through screening or separation by other uses.</p>
<p>Ord. Sec. 9 Code Sec. 23.49.056 DOC 1, DOC 2, DMC street facade, landscaping and street setback requirements</p>	<p>SMC 23.49.056 addresses multiple standards that help shape how a building relates to the street and to the people on the street. These standards include minimum facade heights, facade transparency, blank facade limits, street trees and maximum limits on setbacks.</p> <p>A “limit on setbacks” means that buildings on some downtown streets are required to have their front façade within a certain distance from the lot line. If the façade is set back too far, the vacant space next to the street may suffer from a lack of activity.</p> <p>SMC 23.49.056 provides for different maximum setbacks of street facades based on the pedestrian classification of the street. downtown areas with well established street facades are generally required to provide property line facades. These</p>

	<p>only allow very limited setbacks from the street. Given the established development pattern, the amendments propose to include Alaskan Way and Western Avenue within the DMC 160 zone as streets that require property line facades (see Map 1H).</p> <p>The amendment proposed to 23.49.056 creates an exception to the standards for property line setbacks to address a unique condition for the buildings along Alaskan Way in the DMC zone. Alaskan Way was originally called “Railroad Avenue” because the main railway lines ran along the waterfront, with sidings provided to serve the loading docks of warehouses along Alaskan Way. These railroad sidings were eventually abandoned, and, as the railroad right-of-way was vacated, it became part of the property owned along with the adjacent buildings and loading docks.</p> <p>This is the current condition along Alaskan Way that the urban design vision for the waterfront has taken into account. Like some other Northwest cities -- Portland and Vancouver, B.C. -- the historic urban fabric that included loading dock space can be re-purposed to accomplish the urban design vision. The property line façade standards would be modified for lots along Alaskan Way in the DMC 160 zone to allow the street façade of a new structure to set back as much as 16 feet from the Alaskan Way street lot line, to match the setbacks of existing structures. The project must provide specific uses to gain this extra setback area. Examples are outdoor uses – such as street cafés that extend a restaurant in the abutting building – or a widened sidewalk in front of the building, or landscaped open space, or a partially above-grade story with a raised platform, similar to the historic loading docks, that accommodates outdoor uses on the raised setback area.</p> <p>A complementary amendment to 23.49.009 allows the setback of required street level uses from the street façade to match the depth of the setback allowed by this proposed exception. Thus, if (under 23.49.056) a 16 foot setback is chosen by</p>
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	<p>the developer), then 23.49.009 allows a matching setback is allowed for the required street level uses Without this complementary amendment, the two sections could conflict if the developer chooses a 16 foot setback under 23.49.056 but is limited to a 10 foot setback under 23.49.009.</p>
<p>Ord. Sec. 10 Code Sec. 23.49.058 DOC 1, DOC 2, and DMC upper- level development standards</p>	<p>23.49.058.B: amended to require modulation in a DMC 160 zone for facades above 60 feet in height, instead of the current 85 feet, and to reduce the length of unmodulated facades from 155 feet to 125 feet.</p> <p>23.49.058.C: amended to include a maximum width provision for upper-level facades in the DMC 160 zone.</p> <p>23.49.058 E: amended to clarify conditions in DMC zones where tower spacing is not required.</p> <p>23.49.058 F: amended to remove requirements for green street setbacks in DMC zones along streets designated as view corridors with view corridor setback requirements.</p>
<p>Ord. Sec .11 Code Sec. Downtown Maps</p>	<p>Map 1A: amended to show the correct eastern boundary of the DMC 160 zone. Maps 1F, 1G, and 1H: amended to apply development standards to some street frontages to enhance the pedestrian environment and support conditions desired for the waterfront area. These standards include a more intensive Pedestrian street classification, expanded street-level use requirements, and property-line facades.</p>
<p>Ord. Sec. 12 Code Sec. 23.66.170 Parking and access</p>	<p>Map D for 23.66.170: amended to make two changes. Map D shows both pedestrian street designations and also SDOT's street classifications combined for streets within the Pioneer Square Special Review District. The first change is to be consistent with the proposed changes to Map 1F which will show Alaskan Way and Railroad Way as Class 1 Pedestrian Streets, not Class II Pedestrian Streets. The second change corrects the arterial designation of Alaskan Way as a minor arterial, so that Map D would show the correct designation of "principal arterial."</p>

II. BACKGROUND AND ANALYSIS

Background

The Department of Planning and Development (DPD) is proposing to amend sections of the City's Land Use Code (SMC, Title 23) to encourage development that will complement the anticipated conditions and public facilities along the central waterfront. These facilities include a reconstructed Elliott Bay Seawall and a newly designed Alaskan Way surface street with a waterfront promenade and other complementary improvements in the area.

Much of the zoning currently in place dates back to the adoption of the original Downtown Land Use and Transportation Plan in 1985, and reflects the conditions existing in the area at that time. Many of the standards that are proposed to be amended relate to how the uses at street level and the building's architecture encourage an active pedestrian environment. Since at the time the current standards were adopted, the Viaduct was presumed to remain, Alaskan Way and Western Avenue were not then regarded as priority pedestrian thoroughfares.

The proposed new street-level standards for these important streets will encourage pedestrian activity, consistent with the re-design of Alaskan Way as a high amenity urban street and waterfront promenade. Anticipated new development in this area creates an important opportunity to provide a high quality pedestrian environment. While completion of the waterfront projects is still in the future, the proposed amendments are being brought forward now to ensure that interim development will complement and reinforce the City's longer term urban design vision for this important section of downtown Seattle.

Analysis

Downtown Zoning Maps

The following amendments are proposed for the Downtown Maps in the Downtown Chapter of the Land Use Code:

Map 1A, Downtown Zones and South Downtown Boundary: amended to show correct eastern boundary for DMC 160 zone along Post Alley and 1st Avenue and avoid confusion about the zoning boundaries.

Map 1F, Pedestrian Street Classifications: amended to change portions of Alaskan Way, Western Avenue and Railroad Way South from Class II to Class I pedestrian classifications. Map 1F is amended to reclassify three different streets from a Class II to a Class I Pedestrian Street. The three streets are: 1) Alaskan Way from a Class II to a Class I Pedestrian Street (from Pike Street to S. King Street/Railroad Way), (2) Railroad Way (from Alaskan Way to Occidental Avenue S.) and (3) Western Avenue between Union and Columbia Streets. The amendment would apply more rigorous street-level development standards to address blank facades, street-level façade transparency, screening and separation requirements for enclosed parking, location of vehicular access, and street façade setbacks. These more stringent standards are appropriate for streets where a high level of pedestrian activity is anticipated.

Map 1G, Street-level Uses Required: amended to show street-level uses required on both sides of Western Avenue between Columbia Street and Union Street and on the east side of Alaskan Way between Columbia and Union Streets. Map 1G shows those downtown streets where certain “street-level” uses must be included in a building’s abutting street frontages. Typically, this street-level use requirement complements the designation of a street as a Class I Pedestrian Street, so the amendment to Map 1G parallels the amendment to Map 1F. The presence of these uses, and the related standards for size, location and access, generally contribute to an active pedestrian street environment. Without the standards reflected by Map 1G, the current regulations do not adequately regulate street-level uses, except for screening and separation requirements required for street-level parking.

Map 1H, Property Line Facades: amended to add Western Avenue and the east side of Alaskan Way between Columbia and Union Streets to the mapped streets. That map shows those downtown streets where the street-facing facades of new structures abutting these streets must be built to the street lot line. Although the depth of required setbacks is not indicated on Map 1H, the proposed amendment to SMC 23.49.056.B.1 (and the complementary amendment to 23.49.009B) would allow a greater setback along Alaskan Way between Union and Columbia than the typical maximum.

Section 23.41.012 Development standard departures

The City’s urban design vision for a revitalized waterfront on Alaskan Way builds on some existing development standards, such as visual and physical access. View corridors – essentially, required setbacks of building facades on east-west downtown streets leading to Elliott Bay – were adopted by City ordinance in 1985. Since that time, approximately 30 buildings on the western edge of Downtown have been developed to maintain this important visual access. The City’s waterfront vision preserves and augments this access to set an important pattern for future waterfront development.

Currently, projects that participate in the Living Building or Deep Green pilot programs can request a departure from various Land Use Code requirements through the design review program. One of those departures is the “view corridors” standard.

The value of these view corridors will be further increased when the Viaduct is gone and new development occurs. Thus, although living building/deep green projects also help realize important public goals, allowing these projects to request departures from view corridor standards risks encroachment on an important component of the waterfront design vision. Departures could also result in lessening the value of preserving those view corridors. Moreover, no new structures in this area have ever requested a departure based on the Living Building or Deep Green provisions. Therefore, the proposal is to no longer allow departures from view corridor standards to be requested. There is a complementary proposal in 23.49.058 to remove the redundant requirement for green street setbacks.

Three other possible departures from development standards are similarly proposed to be eliminated. That is, these standards would no longer be allowed to be modified or waived through a departure request. These are:

- 1) Standards for the location of access to parking. In Downtown, the Code already allows the Director of DPD the flexibility to allow exceptions if there is reasonable justification, so a departure provision is redundant and can be removed.
- 2) Structure height for up to 10 feet on lots within the Pike/Pine Conservation Overlay District. That Overlay District contains provisions to allow 10 feet of additional height in order to maintain existing character structures in Pike/Pine. Removing the duplicative height departure through the green programs resolves potential ambiguities about the policy goals for such departures.
- 3) Departures from FAR limits in Downtown zones and for lots within the Pike/Pine Conservation Overlay District where existing incentive provisions provide potential extra FAR. Allowing FAR departures is inconsistent with the policy objectives behind these incentive programs and creates potential ambiguities.

Removing the “view corridor” departure strengthens the City’s policy of maintaining visual access to the Downtown waterfront along designated view corridors. The other three amendments will better promote the intent and effectiveness of various incentive programs developed to achieve neighborhood objectives outside of downtown, clarify policy goals or remove redundant provisions.

Section 23.49.008 Structure height

The proposed amendments to 23.49.008 would allow an additional 5 feet of height in the DMC 160 zone if 18 feet of floor-to-floor height on the ground floor is provided. A higher floor-to-floor height for ground floor uses is characteristic of the area’s existing historic buildings. The urban design vision for this area reflects other historic main streets, such as Port Townsend, Yaletown in Vancouver B.C. or Portland’s Pearl District in Portland, where historic buildings feature a comparable first floor story height. The street edge in front of these buildings can be integrated with the architecture by uniform design aspects such as first floor heights.

This pleasing design aspect can attract pedestrians, shoppers, tourists and downtown workers window-shopping on their lunch hours. Variety, interest and activity are encouraged along Alaskan Way by such practical design concepts. As a practical matter, allowing additional height for the whole structure means that property owners are encouraged to include these activities, because they will not compromise the potential height or floor area to which they are entitled.

Existing Code provisions in commercial zones also allow a slight height increase above the height limit to accommodate more generous heights for the ground floor, with the desired result of a greater variety of commercial uses that activate the street. If adopted, this amendment will have a similar effect in this zone; a project can increase the height of the street-level story by up to 5 feet.

The City’s policy goal is to encourage lively street uses on the ground floor of buildings, but not to penalize property owners by subtracting the additional feet from their allowed maximum

height. Thus, if a property owner provides an 18 foot high ground floor, their building could be up to 165 feet high, instead of 160 feet.

As will be discussed in the section relating to 23.49.011 (FAR), the 5 foot increase in ground floor height is mandatory if the applicant wishes the street-level uses to be exempt from FAR calculations.

Section 23.49.009 Street-level use requirements

Changes to the list of uses: These amendments update the list of uses that qualify as required street-level uses throughout downtown zones, establish a minimum depth and floor-to-ceiling height for required street-level uses in the DMC 160 zone, and allow added flexibility in the development standards that apply to these uses along several block frontages abutting Alaskan Way in the DMC 160 zone. Additional flexibility is also provided for small lots throughout downtown that, due to constraints of size and access, are especially challenged in accommodating these uses.

Ordinance #122311 (adopted December 2006) established a new commercial chapter of the Land Use Code (23.47A). This ordinance also amended other Code provisions, including changes to the list of uses qualifying as required street-level uses in the Downtown Chapter. Ordinance #122311 added new uses to the list of required street-level uses, including automotive sales and services, marine sales and services, and animal shelters and kennels. At that time, the City's policy direction was to more specifically identify the particular uses included in the definition of "retail sales and service", including such uses as marine sales and service.

However, the larger purpose of street-level use requirements is to encourage uses that activate the pedestrian street environment. Uses such as animal shelters do not further this policy and are actually prohibited in most commercial zones for the same reason. Thus, the proposed amendments remove animal shelters, kennels, and sales and service for auto and marine businesses. Arts facilities and religious facilities are added to the list of allowable uses because patrons of these institutions can enliven the street.

The amendment would also add colleges to the list of uses that qualify for the street-level requirement. The current Code includes elementary and secondary schools. The Land Use Code includes schools under the more general category heading of "institutions." Colleges are also considered "institutions" so adding them to this list is generally consistent with existing Code policy. Like schools, colleges are the type of use that adds life and activity to the street by the presence of faculty, students and visitors.

The amendment also proposes a specific exception to downtown streets where colleges will be allowed. The Downtown Retail Core (DRC) zone was intended to promote a more specific set of uses that relate to and promote the zone's shopping-oriented character desired. Thus, colleges will not be allowed as street-level uses in the DRC zone.

To address special constraints on small lots, building lobbies are also proposed to be added to the list. Although the uses required in this section can help activate the street, requiring them could have

the unintended consequence of making it difficult to fit in practical necessities such as lobbies. This is even more likely if the lot is relatively small in size and more than one street frontage is subject to the use requirement. Allowing a lobby to satisfy the street-level use requirements will help building owners provide practical functions, but still meet the street-level use requirements.

In order to qualify as a required street-level use, the lobby needs to be the principal pedestrian entrance on a street front. On the other street front(s) where a qualifying use is required, another use (not a lobby) can meet the requirement. The proposed amendment would only allow this for lots of 20,000 square feet or less, with multiple street fronts where such uses are required and where the unintended constraint could occur.

Changes to development standards for those uses. In addition to changing the list of uses, there are amendments proposed to 23.49.009B. This section sets out general standards for street-level uses, including the minimum street frontage required to be occupied by these uses, the distance the uses can be set back from the street lot line, and standards for curb cut location and access from the street.

23.49.009 B would be amended specifically for the DMC 160 zone in two ways: (1) the average and minimum depth required for those uses and (2) the depth of the required façade setback from the lot line. An amendment to 23.49.008.E would modify the allowable minimum floor-to-floor height requirement for ground-floor uses as described above.

Specifically, the amendment would modify street-level use standards as follows:

Average and minimum depth for required street-level uses. Required street-level uses in DMC 160 would be required to extend an average depth of 24 feet, and a minimum depth of 12 feet, measured from the street-level street-facing façade. This is a change from the current standard, which requires a minimum depth of 15 feet. The current standard only applies if the applicant seeks to exempt this use from FAR calculations – whereas under the proposal, the standard would always be required. With a greater average depth – irrespective of a FAR exemption -- a variety of businesses can meet their space needs. This standard may, if adopted, be more stringent than the current requirement, but it is still more flexible than the similar depth standard applied in commercial zones.

Additional flexibility for permitted setbacks for street-level uses in DMC 160. Because of historic platting conditions, some existing structures on blocks abutting Alaskan Way are set back from the Alaskan Way lot line by as much as 16 feet—marking the width of an area that had originally been railroad right-of-way providing rail access to abutting warehouse structures. Over time, the vacated rights-of-way were acquired and added to the abutting lots. Current regulations only allow street-level uses to be set back a maximum of 10 feet from the street lot line. The proposed amendment would allow a continuous 16 foot setback, measured from Alaskan Way. This 16 foot setback would thus be an allowed measuring point for street-facing facades and would not violate the 10 foot maximum setback standard – addressed by a complementary amendment to 23.49.056, discussed below.

Minimum street frontage required to be occupied by these uses.

The amendment also modifies 23.49.009 B for all downtown zones (including DMC 160) to provide more flexibility as to the percentage of the street frontage that must be occupied by

required street-level uses. There are downtown lots where the street frontage is 120 feet in length or less and either 1) the lot has no alley access, or 2) the lot abuts more than one street requiring street-level uses.

Some small lots downtown, and in DMC 160, have site constraints such as these which can conflict with the need to meet the street-level use requirement. If, for example, there is no access to the lot from an alley, then cars and service vehicles have to take access from the street into the lot. This requires a curb-cut which in turn interrupts the street frontage where the uses are required. This site constraint can be addressed by allowing more flexibility as to the minimum amount of street frontage that street-level uses must meet.

Thus, the proposal is to require the frontage that must be occupied by street-level uses to be reduced to 50 percent, while the remaining 50 percent may contain other permitted uses and/or pedestrian or vehicular entrances.

The proposal also addresses a similar constraint – where the lot has more than one street frontage where the street-level uses must be met. That is, street-level uses must be provided on more than one side of the building. Again, by reducing the required frontage on these streets to 50 percent, street-level uses can still be provided without requiring 100 percent coverage. That stringent a requirement could discourage any development on these lots, which would be self-defeating – since no development means no street-level uses will be required.

As with many of the proposed amendments, the purpose of these changes is to activate the street. Greater variety and interest in the uses at the street-level will attract downtown residents, workers, shoppers and tourists year-round.

Section 23.49.011 FAR (Floor Area Ratio)

Modify FAR limits for the DMC 160 zone. The current DMC 160 zoning of the upland area abutting Alaskan Way from the Pike Place Market to Pioneer Square allows for a mix of residential and non-residential uses. For commercial structures in this zone, SMC 23.49.011.A sets a base FAR of 5 and a maximum FAR of 7. That maximum is achievable through incentives such as affordable housing, open space and other options.

Residential uses are not regulated through FAR. Instead, the volume of the building envelope is defined and shaped by the height limits and bulk controls, such as view corridor setbacks and upper-floor modulation requirements.

To get a sense of the comparative allowance of the volume allowed for residential and non-residential, if these height and bulk controls were converted to FAR limits, residential uses could develop to a FAR of approximately 11.5 (see Attachment B).

The greater development potential of residential uses (as measured by FAR) favors residential use. Recent development demonstrates this in fact, as witnessed by the housing-oriented character of projects like Harbor Steps and the 888 Western project.

Reduced FAR allowance for non-residential uses, except hotel use. The market direction toward building residential structures to be built is positive because it helps accomplish the City's critical policy goal of encouraging residential development downtown. The City's urban design vision and the anticipated improvements on the waterfront will make residential uses an even higher priority. New residents will add vitality, support businesses in the area, and increase safety and security.

Although hotels are classified as a commercial use, their patrons, like apartment and condominium dwellers, can also add vitality to the waterfront and further the City's objectives. Thus, the proposal is to allow hotels – uniquely among commercial uses -- to gain up to 8 FAR over the base. The extra 3 FAR above the base FAR of 5 would have to be gained through the incentive zoning program in the current Code. All other commercial uses are proposed to be limited to the current base FAR of 5 and could not gain additional FAR -- even through incentive programs.

This proposed change favors hotels relative to other possible commercial uses. Encouraging hotels can help accomplish the City's urban design vision. The DMC 160 goal of a vital mix of uses, which characterizes the current mix of development, will likely continue to occur. Because residential use has greater relative development potential it will likely continue to be favored by future development.

The City analyzed the potential effect of this relative emphasis on the market's choice of commercial uses. Would changing the way that FAR is applied within possible commercial uses result in too strong a relative emphasis on hotels over, for example, office uses? Office uses tend to locate downtown and the revitalized waterfront could be conducive to office development.

However, the City's analysis suggests this is not a significant concern and that any negative effect on office use would be minimal. Other downtown areas more strongly promote office development and provide attractive alternatives to waterfront locations. The number of waterfront sites likely to develop is estimated to be less than six. This number excludes sites recently redeveloped or already occupied by designated landmark structures, which are not likely to redevelop soon.

Nor will the proposed FAR change affect the significant number of designated landmark structures in this area. Landmark structures have a development entitlement based on transferrable development rights (TDR) that is calculated from the base FAR, not the maximum. Thus, if the amendment is adopted, the reduction of the allowable maximum FAR for most non-residential uses would not affect the potential use of TDR by historic structures.

More generally, the City estimates this regulatory change to be of little magnitude in its effect on the overall character of the area. Most recent development near the waterfront has been residential, consistent with City policy directives to encourage residential uses downtown, even though non-residential uses could develop up to a maximum FAR of 7. For a more specific hypothetical comparison between a residential and a non-residential development, see the data provided in Attachment B.

DPD's proposal will not likely change the overall character of new development in any

significant way, and residential use will likely continue to predominate. Maintaining the current base FAR for commercial uses (other than hotels) means that existing structures can still accommodate a wide variety of commercial and retail uses, consistent with the overall intent of the DMC zone.

Changing FAR exemptions related to above-grade parking. Current code exempts some portions of buildings from the FAR calculation – including accessory parking for residential uses. As described above, hotels can have some of the same positive benefits as residential uses along the waterfront. Thus, Subsection 23.49.011.B would be amended to include a similar exemption of hotel above-grade parking from FAR. The exemption is limited: the parking must be accessory to hotel use -- that is, used by hotel customers and guests, and not used as a separate pay lot. A complementary proposal is to exempt from FAR calculations those uses within hotels, like hotel rooms, that can effectively block the view of above-grade parking stories.

The rationale for both these proposed exemptions is the same. Water table conditions make it very costly in this area to provide parking below-grade. Parking will be necessary, so some of it will likely be provided above-grade. Exempting that parking, and the uses that block the view of parking from the street, makes sense as a way of encouraging hotel uses. But good urban design principles generally discourage above-grade parking because it can have a negative impact on the desired pedestrian character of the street.

The proposal balances good urban design with practical parking strategies, exempting from FAR calculations a maximum of one space for every four lodging rooms and hotel uses that screen the parking. This proposal imposes a higher standard than current Code provisions which requires somewhat minimal screening and separation of above-grade parking from the street.

Although this last exemption provides an additional potential FAR of 1, raising the theoretical maximum FAR of a hotel to 9, this is not considered a significant disparity from the anticipated scale of development in the area. The additional FAR of 1 can only be gained by a hotel. It is also considered unlikely that all hotel projects would fully achieve that maximum, since the base project would have to be a full FAR of 8 and a full additional FAR of parking would have to be necessary. In any case, even a hotel that maximizes its FAR at 9 would still have less floor area than a residential project in this area, so this regulatory change will not likely discourage residential projects.

These exemptions will both encourage uses that effectively separate above-grade parking and also encourage an environment that is visually attractive to pedestrians.

FAR exemption for partially above-grade story This amendment also proposes to exempt from FAR calculations the floor area in a partially above-grade story. This exemption would only apply under limited circumstances. The story could be no more than an average of 4 feet above street-level; the structure would have to be on a lot abutting Alaskan Way; and any portion of that structure above the partially above-grade story would have to be set back at least 12 feet from the Alaskan Way street lot line.

Like most of the proposal, this FAR exemption would encourage pedestrian activity. From an urban design viewpoint, a partially above-grade story will continue the urban “fabric” of the existing older warehouse structures with elevated loading platforms – again, referencing

the successful demonstration of this feature in Portland's Pearl District and Vancouver, B.C.'s Yaletown. The "roof" of the partially above-grade story could become a deck or patio, where activity from ground floor cafes and stores could spill out onto and enliven the street. A modest amount of additional floor area could be gained by this amendment, but that floor area can help activate the street with only a small commensurate increase in the structure's bulk.

Floor area exemption for required street-level uses. Under the proposed amendment, a minimum floor-to-floor height of 18 feet is optional for street-level uses. However, if the applicant seeks to exempt those uses from FAR calculations that ground floor height is mandatory. As stated above in the discussion of 23.49.008, the maximum allowable height of the structure is increased by the additional 5 feet so the property owner is not penalized by adding that same 5 feet to the ground floor to help activate the street.

The proposed amendment allows an additional five feet of height to the structure (under 23.49.008) and a FAR exemption (under this section) if projects provide 18 feet of floor-to-floor height on the first floor. The higher height is not mandatory; requirements for street-level uses could still be met under the current standards in a building conforming to the existing 160 foot height limit.

Floor area exemption for a City facility. A City facility is defined as a facility owned and/or operated for public purposes by the City of Seattle (SMC 23.84.A.006 "C"). These facilities are critical to supporting the population and employment growth targeted for downtown in the City's Comprehensive Plan. The following sample indicates the type and range in size of City facilities located downtown: Belltown Fire Station (31,620 square feet), West Precinct (56,298 square feet), Emergency Operations Center (61,156 square feet) and Harborfront Fire Station (5,868 square feet).

The scarcity and increasing cost of land can make it challenging to find sites for these facilities. The City wishes to promote the efficient use of available land resources by encouraging mixed use development. The proposed amendment would exempt floor area occupied by a City facility from FAR calculations, up to a maximum of 50,000 square feet. Unlike most commercial uses subject to an FAR limit, City facilities (such as the ones cited above) generally do not generate the type of impacts such as vehicular trips that a FAR limit on occupiable space is generally intended to regulate and that commercial uses can generate. A City facility that is primarily occupied by office use would not be granted the exemption, since its impacts could be similar to other types of commercial activities. In addition, there would likely be availability in downtown for office facilities.

The amendment to exempt the floor area of a City facility would allow this use to be included as part of a joint development with other (non-City) uses without diminishing the amount of chargeable floor area in the project. The exemption could also increase the amount of development potential that could be transferred from a City facility that qualifies as either within-block TDR or as Landmark TDR sending site, since up to 50,000 square feet the floor area of the facility would be exempt and not included in the amount of chargeable floor area deducted from the base FAR on the lot to determine the remaining amount of floor area available to transfer.

Exempting rooftop mechanical equipment from FAR calculations. The current Code section (23.49.011.C) is superfluous. FAR is designed to limit the amount of a building's occupiable space, and rooftop mechanical equipment is not occupiable space. Typically, FAR is a metric for gross floor area. SMC 23.84.014 "G" defines "'Gross floor area" as "...the number of square feet of total floor area bounded by the inside surface of the exterior wall of the structure as measured at the floor line."

This definition clarifies that gross floor area is only the area inside the structure. Any rooftop mechanical equipment is, by definition, outside the structure. The current Code provision at Section 23.49.011 creates an ambiguity in this definition. This ambiguity can be removed by deleting the reference in 23.49.011 to "Mechanical equipment located on the roof of a structure, *whether enclosed or not*" (emphasis added).

This is a common sense change because a building owner is not likely to place any more mechanical equipment on the roof (or anywhere else in the building) than is necessary for public safety or required by code. Therefore, it is ill-conceived to subtract these mandated spaces from the owner's FAR entitlement.

There is an existing Code provision that allows exemption of mechanical equipment as a standard percentage (3.5 percent) to be deducted from the total chargeable gross floor area of a project (23.49.011.B.2). This existing standard exemption would continue to apply to mechanical equipment that is not located on the roof, but enclosed within the structure. Any rooftop mechanical equipment would not be considered to be chargeable floor area under this provision, and thus would not be included in the standard exemption.

Because the floor area of rooftop mechanical equipment would no longer be included in the FAR calculation, a project could increase the amount of chargeable floor area allocated to other uses by a very minor amount.

Section 23.49.014 Transfer of development rights

Conditions for TDR for the DMC 160 zone remain as they currently are but are clarified regarding the eligibility of lots within the zone as sending and receiving sites for within-block TDR. The only amendments in this Section are to the chart that identifies whether the lots within various zones are eligible as sending or receiving sites for various types of TDR. Currently, the DMC zones are distinguished from each other by their respective maximum FAR limits. The proposed amendments recognize a condition that is unique to DMC 160 lots. Eligibility for a lot to be sending or receiving (for within-block transfers) is based on a precondition that the lot is on a block that is zoned both DMC and DOC 1. Since there are no such lots in the DMC 160 zone, no lots can possibly qualify and the chart is modified to clarify this fact.

Section 23.49.019 Parking quantity, location, curb cut/access requirements; screening and landscaping of surface parking areas

Proposed amendments to Section 23.49.019 would modify how parking areas on above-grade stories are screened and separated by other uses. The amendments would also augment the factors guiding DPD's decision about curb cut location and vehicle access.

Two considerations motivate these proposals. The first is the desire to promote a higher quality

pedestrian environment on lots that will abut the redesigned Alaskan Way, while the other recognizes the constraints on providing parking below-grade in areas where water table conditions can make this solution extremely costly.

Lot size threshold for requiring separation on all street frontages. Currently, the Code establishes a size threshold to distinguish between two sizes of lots with respect to above-grade parking on that lot. The first type of lot is smaller in depth (less than, but not equal to, 150 linear feet) OR less than 30,000 square feet in area. On these smaller lots, parking is permitted above and below grade, but separation from other uses is only required for 30 percent of the street frontage and only on the fourth story or above. Developers of these smaller lots can request the Director to modify these frontage requirements under current Code, recognizing that lot size constraints affects their ability to meet the required separation standards. In the current Code, the Director's consideration of water table conditions as a factor for modifying these standards is also limited to the smaller lot conditions.

The second size is large lots, defined as 150 or more linear feet in depth AND 30,000 square feet or more in area. On this larger size lot, parking must either be located below grade, or, if above-grade, must be separated from the street by other uses. The Director is not allowed to grant any discretionary relief for these larger size lots.

Lots of these larger dimensions in the DMC 160 zone face unique constraints. In the rest of downtown, such lots, because they were larger, would have been platted on blocks with vacated alleys. This platting pattern would allow enough room to accommodate access to the parking area through the alley while still meeting the 100 percent separation standard along the street frontage. Even if the platting pattern did not provide alleys, owners of lots outside the waterfront could locate parking below grade because there would not have been the challenging high water table conditions.

By contrast, the larger lots in the DMC 160 zone are not platted with alleys and will have construction challenges created by high water table conditions. Developers on these lots cannot request relief from the Director because they do not meet the dimensional requirements. These lots are exactly 150 linear feet in depth and over 30,000 square feet in area -- typically 36,000 square feet.

Under current Code, then, these lots are subject to the more stringent separation standards along all four street frontages but are not allowed to request the same Director discretion that other downtown lots could avail themselves of even though they face unusual constraints. This amendment would allow the Director the same discretion to modify requirements for these lots that can be granted throughout downtown.

The proposed change will provide relief for development on the larger blocks in the DMC160 zone. These are currently subject to screening and separation standards that were not intended for sites subject to expensive high water table conditions. Additional Director discretion can create flexible solutions recognizing site constraints, balanced with stricter screening and separation standards.

Required separation by another use

DPD is proposing additional measures to address the visual impact of above-grade parking on the public pedestrian environment. As discussed above, high water table conditions make it likely that above-grade parking will be provided. Thus, in addition to parking located at grade level, the amendments also address requirements for separating parking located above grade from the street by other uses. The separating uses will contribute to desired conditions along the street frontage by providing active uses in the upper floors of the structure while blocking views of parking.

Of particular concern in the DMC 160 zone is the treatment of above-grade parking in structures abutting Alaskan Way, which will be highly visible from the public waterfront promenade along Elliott Bay. Along this critical edge, parking above the first story of a structure would be required to be separated from Alaskan Way by another use for the entire length of the structure's Alaskan Way frontage. These new standards for blocks facing Alaskan Way are more stringent than current separation requirements in two ways. First, instead of only applying to those stories above the third story and above, the requirement would apply to all stories above the street-level story. Second, where the existing standard only requires 30 percent of the street frontage to be occupied by separating uses, the amendment would increase the requirement to 100 percent along Alaskan Way and would provide a more specific list of uses that would qualify as separating uses. These new requirements could be met by hotel rooms or housing units adding to visible activity along this important street edge.

It is also important to activate the street facades of other blocks in the DMC 160 zone that do not abut Alaskan Way. Therefore, for these other blocks, separation by another use would continue to be required along 30 percent of the street frontage, but, with the proposed change, would be required for all stories above the first story, not only those stories above the third story. However, because many blocks between Western Avenue and Post Alley are typically only 100 feet deep, there is insufficient room to provide both parking and extensive separation by another use on these relatively narrow blocks. In this situation, the amendments would limit the number of street frontages where the 30 percent separation is required, based on the number of streets abutting the lot, but would continue to require the separation to be provided at corners, where the greatest visual benefit can be achieved.

DPD's proposal strikes a reasonable balance by requiring separation to be extended to all floors on all DMC 160 lots, but continuing to limit the amount required per floor to 30 percent of the street frontage if the lot does not face Alaskan Way, and to recognize the particular site constraints of narrow blocks.

The goal of identifying specific uses that qualify as "separating" uses is to promote more active street facades. Since the new requirement will require careful consideration in programming and designing the spaces devoted to these uses on parking floors, a complementary amendment to 23.49.011 exempts certain separating uses from FAR calculations. Although the City does not anticipate that the amendment requiring separating uses will discourage development, this additional FAR exemption will offset any potential hardships.

Required screening of above-grade parking areas. The standards for screening are also made more restrictive. Current Code requires opaque screening at least 3.5 feet in height when separation of above-grade parking from the street by another use is not required. In this DMC

160 zone, the proposed amendments will now require above-grade parking to be fully enclosed by the building's façade. This will provide more effective visual separation of the parking from the viewpoint of pedestrians than would the typical opaque wall used for screening, and allow for better integration of the floors with parking with the overall building design.

A fully enclosed parking area means these areas will be subtracted from the FAR maximum entitlement. As discussed above in the mechanical equipment section, fully enclosed areas are counted against the FAR entitlement. However, full enclosure of parking is now a common industry practice for developers of higher quality residential and mixed use structures. Typically these structures enclose the parking within the upper story facade. Furthermore, parking accessory to residential use is similarly exempt from FAR calculations up to an amount that provides for one space per unit. Subtracting the enclosed area from the FAR maximum should not discourage the type of development that the City desires to see. A fully enclosed parking area helps accomplish the urban vision by avoiding the deadening effect that visible parking can have for pedestrians on the street.

Additional criteria for evaluating curbcut allowances for hotel use. The current Code generally requires vehicular access to a site to be provided from the alley. If there is no alley, the Code allows alternatives according to a hierarchy based on the pedestrian and vehicular classifications of the abutting streets. The Director considers specific criteria, identified in the Code, as part of the discretion to approve an alternative curbcut location if it would produce a better outcome. The proposed amendment would add an additional criteria for the Director to consider for hotel developments. This criteria relates to improved passenger drop off conditions and visibility of access and is consistent with the overall intent of providing pedestrian and vehicular safety.

Decisions to allow departures would be determined on a case by case basis. Similar allowances have occurred in recent hotel developments, where the Director has allowed departures for most projects from the requirement to provide access to the lot from the alley, either by allowing a curbcut and driveway from the street, or by providing a pullout area along the curb.

Section 23.49.046 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial conditional uses and Council decisions

Criteria for evaluating principal use short-term parking garages as an administrative conditional use (ACU). The Code currently provides the Director discretion to consider an application for a short-term parking garage. This is considered an "administrative conditional use" in the DMC 160 zone. DPD's proposal would add an additional criterion for the Director to consider. This criterion directly addresses how the visual impacts of above-grade parking are reduced on facades facing Alaskan Way. The new criterion emphasizes mitigating the visual impacts of above-grade parking through screening, separation by other uses, or other means.

The proposed amendment would allow the Director additional flexibility in applying screening and separation standards for above-grade parking. This amendment emphasizes the importance of addressing the visual impacts of parking in the above-grade portions of structures in an area where active street facades are especially important to the quality of the pedestrian environment.

Section 23.49.056 - Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial street facade, landscaping, and street setback requirements

Setback limits for property line facades. An amendment is proposed to the standards in subsection 23.49.056.B.1 for setback limits for property line facades. An important historic development pattern along Alaskan Way is the separation between buildings and the street lot line by a long-vacated railway right of way, which is now included in the abutting lots. Relative to the Alaskan Way street lot line, the existing structures on these lots are set back as much as 16 feet. The proposed amendment would allow new development on these lots to set back their property line facades by 16 feet – which exceeds the 10 foot maximum that is otherwise allowed. Two complementary changes are to 23.49.009B (allowing a 16 foot setback for the street-level uses instead of 10 feet) and a change to Map 1H to add these streets to those requiring property line street facades.

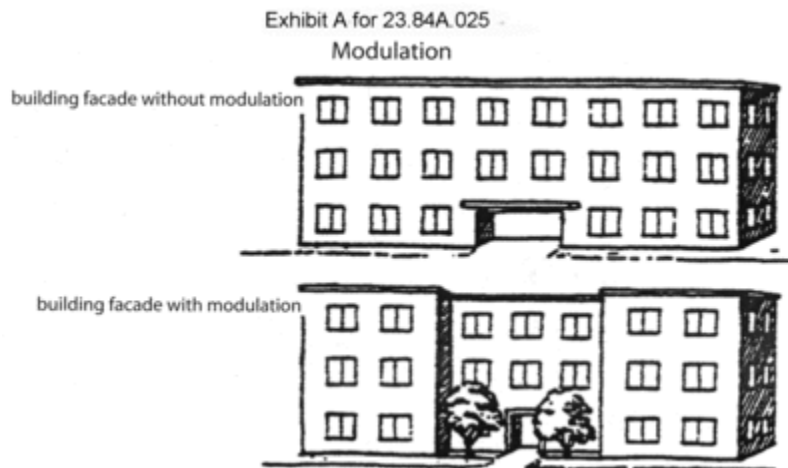
The proposed new alternative in 23 49 056 allows the street-facing façade to be set back up to 16 feet from the lot line abutting Alaskan Way. If that option is pursued for a project, the amendment requires that area to be used for outdoor uses related to abutting street-level uses – such as a garden café that is related to a street-level restaurant in the building. Other uses that would satisfy this requirement are a landscaped open space, a partially above-grade story (described in the proposed amendment to 23.48.011.B.1.u) , or simply widening the abutting sidewalk area to encourage pedestrian use.

Section 23.49.058 - Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards

Section 23.49.058 generally addresses upper level development standards. These amendments affect several specific upper level standards for buildings in the DMC 160 zone. These standards are: façade modulation requirements, façade width maximums, a clarification of tower spacing standards (applicable to all DMC zones, not only DMC 160) and removing duplicative “green street” setbacks on streets that are also designated as view corridors and subject to view corridor setback requirements.

Façade modulation

Modulation means a “stepping back or projecting forward of sections of the facade of a structure” as shown in the illustration below. The modulation amendment to 23.49.058 makes two changes. If the amendment is adopted, a building façade would have to be modulated starting at a lower height than the current code – 60 feet instead of 85 feet. The second change also results in a stricter requirement. Where the current code allows up to 155 feet of unmodulated façade, the amendment only allows 120 feet.



The reason for any modulation requirement is to avoid long, uninterrupted expanses of walls that increase the apparent bulk of a building, which can have a deadening effect on the pedestrian environment. The importance of the pedestrian environment along the waterfront supports these stricter modulation requirements.

Most streets in the DMC 160 zone are designated “view protection corridors” because they provide important visual connections between downtown and Elliott Bay. On these corridors, buildings on abutting lots are required to provide upper level setbacks above 60 feet in height. The amendment to also require modulation for facades above 60 feet in height will better coordinate requirements for view corridor setbacks and façade modulation within this zone.

The additional “stepping back” that would be required by the amended modulation requirements could have the result, on larger lots with the potential for longer facades, of minimally reducing a residential project’s potential floor area. Non-residential uses are governed by FAR limits and thus would continue to be able to achieve the amount of floor area allowed under those limits, albeit in a less bulky structure. However, residential use is not subject to an FAR limit and is limited only by the zoning envelope established by the Code’s height and bulk requirements, such as modulation requirements. As a result, the reduction in bulk that would result from this amendment could slightly reduce the amount of residential floor area achievable in the upper stories (above 60 feet in height) of a structure.

The second amendment to 23.49.058 concerns the maximum width of the upper-level facades of a structure. In other downtown zones with higher height limits, the current Code sets maximum façade widths. For non-residential structures these only apply above 240 feet in height on lots with a width and depth that both exceed 200 feet. Residential towers that exceed 160 feet in height have a width limit along the general north-south axis.

The amendment would create a maximum façade width standard that would affect development specifically on the longest blocks in the DMC 160 zone. These are the blocks between University and Union Streets. The proposed maximum width requirement would apply to portions of a structure above 60 feet in height, with 180 feet being the maximum width allowed above that elevation. If the width of the structure reaches 180 feet, the amendment would require a horizontal separation of at least 30 feet between any other portions of a structure above 60 feet in

height on the lot, facing the same street.

The policy goal of a maximum façade width is similar to the façade modulation requirement: to reduce a building's apparent bulk and contribute to an interesting visual environment. Most blocks in the DMC zone are only 240 feet long, with 40 foot view corridor setbacks required along both streets bounding the northern and southern sides of the block. The result is that most buildings in the DMC 160 zone are limited to a maximum width of 160 feet above 60 feet in height, reducing the bulk of the building.

However, for the 360 foot long blocks between Union and University, a stricter standard is desirable. There are no required view corridor setbacks on the portion Union Street within the DMC 160 zone, although there is a 40 foot view corridor setback required along University Street. The concern is that if the DMC 160 lots between Union and University were to be combined into a single development site, the greater length of these blocks and the lack of a view corridor standard could result in a 320 foot wide façade. Such a width would dominate the pedestrian environment and interrupt the finer grain of buildings on nearby downtown blocks.

To address this concern, the amendment sets a maximum 180 foot width -- similar to the 160 foot maximum width applying to structures on the more typical 240 foot wide blocks downtown which have required view corridor setbacks from both streets.

Today, neither of the two blocks that would be affected by the proposed change is under single ownership. While immediate consolidation of these blocks is unlikely because of current uses and recent development, the proposed limit would prevent an exceptionally massive, uninterrupted façade of a single building over 300 feet wide with concomitant bulk impacts in this important area.

Clarifying existing tower spacing provisions in DMC zones. This amendment clarifies that tower spacing requirements only apply to structures with towers that are higher than 160 feet. Therefore, if a new building is built in the DMC 160 zone that is 160 feet in height or less, tower spacing regulations do not apply (an additional provision in 23.49.008 also excludes buildings that gain the extra five feet of height by providing higher heights on the ground story). There is some ambiguity in the current Code language as to whether spacing is required for either existing or new structures that do not exceed 160 feet in height. The amendment clarifies the intent that any structures that are 160 feet in height or less are not subject to spacing requirements. The proposed amendment clarifies the current language to better execute the City's policy intent and provides more predictability in the application of these development standards.

Eliminating green street setbacks on designated view corridors. SMC 23.49.058 would be amended to remove requirements for green street setbacks in DMC zones along designated view corridors that also have requirements for upper level setbacks. Certain designated view corridor streets (shown on Map 1D in the Downtown Code) are subject to their own set of setback requirements -- generally deeper setbacks than those required for green streets. For example, in the DMC 160 zone, the view corridor setback must be at least 40 feet deep, while the required minimum green street setback is 15 feet. This overlapping of the two setback requirements is redundant and burdens potential development on the affected properties. The proposed change

would remove the redundancy.

The “green street setback” standard was added in 2006 (Ordinance #122054) when the height limits were significantly increased in many DMC zones. Green street setbacks were established to mitigate the increase in permitted height. That amendment did not distinguish between DMC areas where height increases were adopted and other DMC areas without height increases, including the DMC 160 zone.

Although there was a potential overlap between view corridor setbacks and green street setbacks, this issue did not arise during consideration of the legislation, since in the areas where height was increased there were no green streets subject to view corridor requirements.

There are 14 lots in downtown zones that abut a street that is both a designated green street and a designated view corridor requiring upper level setbacks. Of these sites, less than half have the potential to be redeveloped; the remaining lots have been recently developed, have substantial existing development on them that is likely to remain, or are occupied by designated landmark structures.

One recently developed site, 888 Western, did provide both the green street and view corridor setbacks. Plans for development on another site considered redevelopable have been announced, but no permits have been filed. Correcting the unintended duplication of requirements will allow for more development predictability and better achieve the original intent of these standards.

Section 23.66.170 Parking and access

The amendment to this Section is limited to changes to Map D for 23.66.170. This map is used to determine the preferred location for vehicular access to a lot. Map D shows a combination of both the pedestrian street designations and SDOT’s street classifications for the streets within the Pioneer Square Special Review District. The first change is make this map consistent with the proposed changes to Downtown Map 1F, which will show Alaskan Way and Railroad Way as Class 1 Pedestrian Streets, amending the current Class II Pedestrian Street designations. The other change is to correct the arterial designation of Alaskan Way from “minor arterial” to the correct designation of “principal arterial.”

III. RECOMMENDATION

The Department of Planning and Development (DPD) is proposing to amend the following sections of the City’s Land Use Code (SMC, Title 23) to encourage development that will complement the anticipated conditions and public facilities along the central waterfront. These facilities include a reconstructed Elliott Bay Seawall and a newly designed Alaskan Way surface street with a waterfront promenade and other complementary improvements in the area.

The proposed amendments are consistent with the goals and policies of Seattle’s Comprehensive Plan and in many instances reinforce neighborhood plan policies in the Comprehensive Plan. A detailed review of the proposal and related Comprehensive Plan Goals and Policies is provided in Attachment A.

DPD recommends approval of the proposed amendments.

Attachment A:

Consistency of the Proposed Amendments with Comprehensive Plan Goals and Policies

Urban Village Element

UVG13 Promote physical environments of the highest quality, which emphasize the special identity of each of the city's neighborhoods, particularly within urban centers and villages.

Comment: Many of the proposed amendments are intended to promote a quality urban environment in the DMC 160 zone adjacent to the improved waterfront environment that will exist after the Viaduct is removed.

Land Use Element

LU38 Establish standards for screening and landscaping appropriate to each zone to minimize the impact of new development on the surrounding neighborhood, on the streetscape, on the natural environment and on areas with less intensive zoning.

Comment. Proposed amendments to 23.49.019 call for improved screening and separation of parking located at or above-grade in new structures. These new requirements will minimize visibility and help activate a pedestrian street environment.

LU177 Use a range of downtown land use zones to support the existing character and desired environment of different areas downtown.

Comment: Many of the proposed amendments tailor provisions of the DMC 160 zone to better guide new development to achieve desired conditions in the area along the redeveloping waterfront, where the zone currently applies.

Neighborhood Plan Element: Downtown

DT-G4 Use regulations in the Land Use Code and other measures to encourage public and private development that contributes positively to the downtown physical environment by:

1. enhancing the relationship of downtown to its spectacular setting of water, hills and mountains;
2. preserving important public views;
3. ensuring light and air at street-level and in public parks;
4. establishing a high quality pedestrian oriented street environment;
5. reinforcing the vitality and special character of downtown's many parts;

6. creating new downtown parks and open spaces at strategic locations;
7. preserving downtown's important historic buildings to provide a tangible link to the past;
8. adequately mitigating impacts of more intensive redevelopment on the quality of the physical environment.

Comment. Proposed amendments to standards in Sections 23.49.056 and 23.49.058 will enhance the pedestrian environment by more rigorous street-level and upper level development standards. New development will reinforce the positive changes expected in the area as a result of public investment in the redevelopment of the waterfront as a major downtown amenity. Amendments to the Downtown Maps (Pedestrian Street Classifications (Map 1F), Street-Level Uses Required (Map 1G), and Property Line Facades (Map 1H)) will reflect the higher quality of pedestrian environment desired in the area.

DT-G7 Encourage a mix of housing, employment and related support activities in a crescent bounding the office and retail cores. Within this crescent, foster areas that are predominantly residential in character, including the Chinatown/International District and Belltown. Encourage housing as the primary use in these area and limit the type and scale of non-residential uses allowed to ensure that such development is compatible with a residential neighborhood.

Use the adopted policies of neighborhood plans for the five downtown urban villages for further guidance in defining the appropriate mix of activities to accommodate downtown growth targets for employment and housing, and to meet neighborhood development objectives, including identifying areas which are to be predominantly residential in character.

Comment. Proposed adjustments to permitted FAR in Section 23.49.011 are intended to achieve a compatible mix of residential and non-residential development, with emphasis on housing and hotel use, to promote a mix of activity that will enliven the waterfront and reinforce a unique neighborhood identity, consistent with the goals COM G1 and COM G2 for the Commercial Core neighborhood (see below).

DT-G8 Encourage revitalization of the Harborfront in order to strengthen maritime activities, maintain historic characteristics, and enhance opportunities for public access, consistent with the shorelines goals and policies established in the Comprehensive Plan Land Use Element.

Comment. Many of the proposed amendments are specifically directed at enhancing the pedestrian environment in the area and improving connections to the waterfront area west of the DMC 160 zone.

DT-LUP4 Use downtown land use district classifications to specify the intended function of an area and guide future development and change. Recognize certain areas characterized by a specific activity and intensity of development, such as the office and retail cores, and

consider the factors critical to the success of that activity, such as access to transportation, topographic conditions, or the presence of a particular amenity....

DOWNTOWN MIXED COMMERCIAL (DMC)

Areas adjacent to the office core, office expansion areas and retail core that provide a transition in the level of activity and scale of development. Areas designated DMC are characterized by a diversity of uses. The DMC land use district is intended to:

- permit office and commercial use, but at lower densities than in the office areas;
- encourage housing and other uses generating activity without substantially contributing to peak hour traffic; and
- promote development diversity and compatibility with adjacent areas through a range of height limits.

Comment. The proposed changes to the DMC 160 zone are consistent with the intended function and conditions specified for DMC zones in general.

Urban Design Policies

DT-UDP6 Employ development standards that guide the form and arrangement of large buildings to reduce shadow and wind impacts at the street-level, promote a human scale, and maintain a strong physical relationship with the pedestrian environment. In areas where consistency of building form is important to maintaining an identifiable character and function, regulate building bulk to integrate new and existing development.

Limit the bulk of tall buildings in residential areas to provide for light, air and views at street-level and reduce the perceived scale of the buildings.

Vary development standards to reduce impacts of large-scale buildings by district consistent with the desired scale and development pattern in the area.

Comment. Changes to the upper level development standards in 23.49.058 are intended to enhance building form in the DMC 160 zone. Specifically, the adjustments to modulation requirements for the upper level facades of structures will provide more consistency among the various development standards that affect the massing of the upper portions of structures in the area, and also promote conditions that are more compatible with existing development patterns and the desired scale of development.

DT-UDP10 As appropriate for each land use district and type of street environment desired, maintain a strong relationship between buildings and the sidewalk environment through specific street-level development standards. The standards are intended to:

1. make streets enjoyable and pleasant places to be;
2. provide visual interest for pedestrians;
3. provide a comfortable sense of enclosure along the street;
4. integrate individual buildings within the streetscape;
5. bring the activity occurring within buildings into direct contact with the street environment;
6. provide strong edges to clearly define public open spaces; and
7. ensure adequate conditions to support higher density development occurring on abutting properties.

Address through street-level development standards the major components of the streetscape. Consider regulating or requiring features including:

1. street walls,
2. facade transparency,
3. blank wall limitations,
4. overhead weather protection,
5. street landscaping, and
6. screening of parking.

Coordinate street-level development standards with the Pedestrian Street Classification System, established by Policy T 10: Street Classification System. Vary standards according to the classification of the street to reflect the predominant character of the area and the street's relative importance to pedestrian circulation.

Where appropriate, allow flexibility necessary to accommodate desirable public amenities by exempting street frontages occupied by public open space meeting the criteria for bonused open space amenities from street-level development standards that might otherwise be in conflict.

Comment. The proposed amendments would better achieve the above policy by adjusting the street-level development standards in Section 23.49.056, the street-level uses standards in 23.49.009, and Maps 1F, 1G, 1H to promote the higher quality pedestrian environment desired to support investment in transforming the adjacent waterfront into a major public amenity.

DT-UDP11 Regulate uses at street-level in certain areas in order to generate pedestrian interest and activity in conformance with policies for the pedestrian environment. Promote street-level uses to reinforce existing retail concentrations, enhance main pedestrian links between areas, and generate new pedestrian activity where appropriate to meet area objectives without diluting existing concentrations of retail activity.

Promote active and accessible uses at the street-level of new development where it is important to maintain the continuity of retail activity.

Consider measures to promote street-level space of adequate size and sufficient flexibility to accommodate a variety of retail and service activities. Encourage incorporation, as appropriate, of street-level uses as part of open space public amenity features provided for a floor area bonus to promote activity and increase public use of these spaces.

To encourage active and accessible street-level uses throughout downtown, consider appropriate exemptions of these uses from floor area limits.

Comment. The proposed amendments to Section 23.49.009 are intended to execute this policy consistent with the changed conditions anticipated in this area abutting the redeveloped waterfront and also promote more active street-level uses where these are required throughout downtown.

Transportation

DT-TP10 Classify downtown's streets according to the desired functional relationships of the various uses of the right-of-way. Through this classification system, integrate multiple vehicular and pedestrian needs, minimize modal conflicts, reflect and seek to do the following: reinforce adjacent land use, and provide a basis for physical changes and improvements. Use this system as a guide to identify and prioritize capital improvements and operating changes.

Classify downtown streets under categories addressing three primary functions:

1. traffic function,
2. transit function, and
3. pedestrian function.

Traffic Classification. Classify downtown streets according to the arterial street classifications of the Seattle Comprehensive Transportation Program (SCTP). The primary intent of this system is to promote vehicular use of streets that is consistent with Policy T4: Vehicular Access and Circulation Improvements.

Transit Classification. Classify downtown streets according to the transit street classifications of the SCTP. Use these classifications to coordinate improvements to the street right-of-way and abutting development so that high volumes of buses occur on streets with adequate sidewalk space for waiting riders.

Pedestrian Classification. Establish pedestrian classifications for all downtown streets. The primary intent of this classification system is to coordinate improvements to the street right-of-way and abutting development to comfortably and safely accommodate anticipated pedestrian volumes and reinforce desired conditions for pedestrian circulation consistent with the Urban Design policies. Designate each downtown street according to the following categories and functions:

- **Class I:** High volume pedestrian activity street providing a major link in downtown pedestrian circulation.
- **Class II:** Moderate pedestrian activity street providing a secondary link in the pedestrian circulation system.
- **Green Street:** Link in pedestrian circulation system and element of open space bonus system.

Comment. Proposed amendments to Map 1F, Pedestrian Street Classifications would reclassify portions of Western Avenue and Alaskan Way from Class II to Class I Pedestrian Streets. These designations better reflect the anticipated increase in pedestrian volumes along these streets and the desired improvements to the character of the pedestrian environment.

Neighborhood Plan Element: Commercial Core

COM-G1 Maintain the Commercial Core as a major employment center, tourist and convention attraction, shopping magnet, residential neighborhood, and regional hub of cultural and entertainment activities.

COM-G2 Promote a unique neighborhood identity for the Commercial Core.

Comment. Proposed amendments to adjust the mix of uses encouraged in the DMC 160 zone in Section 23.40.011 will help to promote the mix and diversity of activity desired in this area and the Commercial Core overall. Amendments related to development standards in the zone are intended to reinforce the unique identity of the neighborhood.

COM-P5 Guide development and capital projects throughout the entire Downtown area through development of a unified urban design strategy that provides a vision for new public facilities, waterfront connections, pedestrian environments, transit linkages and open space.

COM-P9 Seek to improve the pedestrian qualities of streets and public spaces.

COM-P10 Seek to enhance pedestrian connections between the Commercial Core and other neighborhoods.

Comment. Proposed amendments specifically focus on enhancing the pedestrian environment and improving connections between the DMC 160 zone and the waterfront, as well as other adjacent neighborhoods.

Attachment B:

Comparison of floor area achieved in non-residential and residential structures in the DMC 160 zone under existing zoning

In the DMC 160 zone, as in most downtown zones, non-residential uses, like office and hotel, are subject to a FAR limit. In the DMC 160 zone, the base FAR limit is 5. Additional floor area is permitted above the base FAR up to the maximum FAR limit through participation in incentive programs. In DMC 160, the maximum FAR is 7, so gaining the extra 2 FAR above the base requires the use of bonuses and/or TDR. Certain uses, like street-level retail use, are not included in FAR calculations, and some floor area is exempted (3.5% of total gross floor area) to account for mechanical systems.

Residential use is not subject to an FAR limit. The volume of the building envelope established by the height limit and applicable development standards determines the amount of floor area allowed. For residential uses in the DMC 160 zone, there is no need to gain extra floor area through incentives.

Project comparison. The following table compares the amount of floor area allowed for a hypothetical commercial project with the equivalent FAR that a residential project could achieve. An equivalent figure is used because residential projects are not subject to FAR limits. Assuming the same lot size (23,996 SF), the commercial project could only achieve a 7.66 FAR whereas the actual residential project achieved an equivalent FAR of 11.72.

Beyond this striking contrast, the hypothetical commercial development would only have achieved the lower FAR by a monetary contribution to the City's incentive program – with an estimated cost of \$1,055,824. Moreover, while parking is not required, it is likely that a commercial project would provide parking for their tenants and users. Given the high-water table conditions in the area, this would likely be provided as above-grade parking floors. Under this scenario, approximately two floors above the street could be devoted to parking. Thus the 7.66 FAR is not all leasable space -- 2 of those floors would be parking. This would further reduce the attractiveness of a commercial project compared to a residential. Table B also accounts for the exemption of street-level retail use and a standard exemption for mechanical equipment.

Commercial (Non-Residential) Development

Use and FAR calculations	FAR calculations (based on an assumed 23,996 SF lot size)
Chargeable non-residential floor area (7 FAR) – includes 2 floors of parking which reduces the amount of leasable tenant space	167,972 SF
Exempt floor area retail = 10,000 SF	+ 10,000 SF
Mechanical equipment exemption = 5,879 SF (3.5% of total GFA)	+ 5,879 SF
TOTAL FLOOR AREA	= 183,851 SF (7.66 FAR)

Residential development (information from built project at 888 Western)

Use	FAR calculations (based on an assumed 23,996 SF lot size)
Residential	184,236 SF (7.7 FAR)
Parking [above-ground]	73,392 SF (3 FAR)
Retail	10,000 SF (0.4 FAR)
Mechanical	13,738 SF (0.6 FAR)
TOTAL FLOOR AREA	281,366 SF (equivalent to FAR of 11.72)